

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PHILIPS AMADOR,  
SYLVESTER CETINA, AND JOANN  
SUNKETT, Individually and on behalf all others  
similarly situated,

Plaintiffs,

-against-

MORGAN STANLEY & CO. LLC,  
f/k/a Morgan Stanley & Co. Incorporated,  
MORGAN STANLEY SMITH BARNEY LLC,  
and MORGAN STANLEY,

Defendants.

No. 1:11-cv-04326-RJS

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT OF COLLECTIVE AND CLASS ACTION**

PLEASE TAKE NOTICE that on date to be determined by the Court, or as soon as counsel may be heard before the Honorable Richard J. Sullivan, or whomever may be sitting in his stead, in the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, the undersigned counsel shall move, pursuant to § 16(b) of the Fair Labor Standards Act ("FLSA") and Rule 23 of the Federal Rules of Civil Procedure, for an order:

- 1) granting preliminary approval of the proposed Settlement;
- 2) conditionally certify the Settlement Classes described in the Joint Stipulation of Settlement and Release, a copy of which is Exhibit A to the Declaration of Seth R. Lesser, for settlement purposes;
- 3) (3) approve the proposed notice forms and their dissemination;
- 4) (4) appoint Class Counsel, Class Representatives and Claims Administrator;

- 5) (5) set a date by which members of the Settlement Classes must submit comments on, objections to, claims for proceeds under, or requests to be excluded from, the proposed settlement; and
- 6) scheduling a date for the final fairness hearing, no earlier than one hundred (100) days from the date of this motion, as required by 28 U.S.C. § 1715, at the Southern District of New York.

PLEASE TAKE FURTHER NOTICE that Plaintiffs will rely on the supporting memorandum and declaration submitted in support of this motion and all proceedings heretofore had in this proceeding. A proposed order accompanies this motion.

Date: August 13, 2014

s/ Seth R. Lesser

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Seth R. Lesser  
Fran Rudich  
Dudley Jordan  
KLAFTER OLSEN & LESSER LLP  
Two International Drive, Suite 350  
Rye Brook, New York 10573  
Telephone: (914) 934-9200  
Facsimile: (914) 934-9220

Gregg I. Shavitz  
Susan H. Stern  
Paolo C. Meireles  
SHAVITZ LAW GROUP, P.A.  
1515 South Federal Highway, Suite 404  
Boca Raton, Florida 33432  
Telephone: (561) 447-8888  
Facsimile: (561) 447-8831

*Attorneys for Plaintiffs*